



House of Representatives

General Assembly

File No. 466

February Session, 2006

Substitute House Bill No. 5613

House of Representatives, April 10, 2006

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT REQUIRING THE CRIMINAL DOCKET TO BE POSTED ON THE INTERNET AND STUDYING THE FEASIBILITY OF POSTING CONVICTION INFORMATION ON THE INTERNET.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2006*) The Judicial Branch shall
2 make the criminal docket of the Superior Court available to the public
3 on its Internet web site. Information concerning active criminal cases
4 shall be provided in language that is clear and understandable to a
5 nonattorney and shall include, but not be limited to, the next
6 scheduled court date and the nature of the proceeding that will take
7 place on such date.

8 Sec. 2. (*Effective from passage*) The Department of Public Safety shall
9 examine the feasibility of making conviction information, as defined in
10 section 54-142g of the general statutes, available to the public on its
11 Internet web site. The department shall report its findings and
12 recommendations to the joint standing committee of the General
13 Assembly on the judiciary in accordance with section 11-4a of the

- 14 general statutes not later than January 1, 2007.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2006</i>	New section
Sec. 2	<i>from passage</i>	New section

JUD *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 07 \$	FY 08 \$
Judicial Dept.	GF - Cost	Less than 50,000	Less than 10,000
Public Safety, Dept.	GF - None	None	None

Note: GF=General Fund

Municipal Impact: None

Explanation

The Judicial Department would likely incur a cost of less than \$50,000 (i.e., minimal) for overtime and consulting fees needed to initiate posting of the criminal docket on the Internet within the timeframe mandated by the bill. Once established, the Department would be able to maintain and provide this Internet service at an estimated cost of less than \$10,000 annually. The Department of Public Safety would be able to conduct the study required under the bill through a one-time workload increase that could be accommodated within budgeted resources.

The Out Years

The minimal costs of maintaining and providing bandwidth to the new Internet services authorized by this bill would continue into the out years, subject to inflation.

OLR Bill Analysis**sHB 5613*****AN ACT REQUIRING THE CRIMINAL DOCKET TO BE POSTED ON THE INTERNET AND STUDYING THE FEASIBILITY OF POSTING CONVICTION INFORMATION ON THE INTERNET.*****SUMMARY:**

This bill requires the Judicial Branch to make the Superior Court's criminal docket publicly available on the Internet. It requires the information about active criminal cases to be clear and understandable to non-attorneys and to include at least the next scheduled court date and the nature of the proceedings on that date.

The bill requires the Department of Public Safety (DPS) to study the feasibility of making conviction information publicly available on the Internet. It must report findings and recommendations to the Judiciary Committee by January 1, 2007.

EFFECTIVE DATE: October 1, 2006, but the provision on the DPS study is effective upon passage.

BACKGROUND***Conviction Information***

Conviction information is generally available to the public and agencies holding such information must establish reasonable hours and places for inspection (CGS § 54-142k(a) and (b)). "Conviction information" means criminal history record information, other than erased records, that discloses that a person has pleaded no contest or nolo contendere, or was convicted a crime (CGS § 54-142g(c)). "Criminal history record information" means court records and information compiled by criminal justice agencies for purposes of

identifying criminal offenders and of maintaining with regard to each such offender notations of arrests, releases, detentions, indictments, information's, pleas, trials, sentences, appeals, incarcerations, correctional supervision, and paroles. Criminal history record information does not include intelligence, presentence investigation, investigative information, or disclosable bail information (CGS § 54-142g(a)).

The law (CGS § 54-142a) requires police, courts, and prosecutors to erase all related records when (1) a criminal case is dismissed or nolle, (2) a defendant is acquitted or granted an absolute pardon, or (3) the offense for which the defendant was convicted is later decriminalized. Nolle records are not erased until at least 13 months after the case is dismissed. The duty to erase does not apply if the defendant was found not guilty by reason of mental disease or defect or guilty but not criminally responsible by reason of mental disease or defect. "Court records" do not include an official court reporter's, assistant court reporter's, or monitor's record or transcript.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 24 Nay 14 (03/24/2006)